

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

|                           |   |                          |
|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, | ) |                          |
|                           | ) |                          |
| Plaintiff,                | ) |                          |
|                           | ) |                          |
| v.                        | ) | No. 05-00109-01-CR-W-SOW |
|                           | ) |                          |
| RICK E. ENSS,             | ) |                          |
|                           | ) |                          |
| Defendant.                | ) |                          |

PLEA AGREEMENT

Pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, the parties described below have entered into the following plea agreement:

**1. The Parties.** The parties to this agreement are the United States Attorney's Office for the Western District of Missouri (otherwise referred to as "the Government" or "the United States"), represented by Todd P. Graves, United States Attorney, and Cynthia L. Phillips, Assistant United States Attorney, and the defendant, Rick E. Enss ("the defendant"), represented by James R. Hobbs.

The defendant understands and agrees that this plea agreement is only between him and the United States Attorney for the Western District of Missouri, and that it does not bind any other federal, state, or local prosecution authority or any other government agency, unless otherwise specified in this agreement.

**2. Defendant's Guilty Plea.** The defendant agrees to and hereby does plead guilty to Counts One and Three of the indictment charging him with violations of 18

U.S.C. § 2422(b), that is, knowingly using a facility and means of interstate commerce, consisting of a computer and the internet, to persuade, induce, entice, and coerce an individual who had not obtained the age of 18 years, to engage in sexual activity for which he could be charged with a criminal offense in Missouri, and 18 U.S.C. § 2252(a)(2), that is, knowingly receiving and attempting to receive visual depictions in interstate commerce by means of a computer and the Internet, the production of such visual depictions involved the use of minors engaged in sexually explicit conduct, and the visual depictions were of such conduct. By entering into this plea agreement, the defendant admits that he knowingly committed these offenses, and is in fact guilty of these offenses.

**3. Factual Basis for Guilty Plea.** The parties agree that the facts constituting the offenses to which he is pleading guilty are as follows:

Rick E. Enss used five computers in the inducement and coercion of his minor daughter (Child Victim #1) to engage in prohibited sexual conduct and in his receipt of child pornography:

(1) HP Pavilion 500 with a Samsung Spinpoint hard drive. Enss purchased this computer in November of 2002 and used it in the upstairs office at his home (HDD-1);

(2) Pionex PC with a Maxtor hard drive. This was the original computer that Enss used in the living room at his home (HDD-3);

(3) Gateway G6-350 PC with a Maxtor Diamondmax Plus 8 hard drive. This was the alternate computer that Enss used in the living room at his home (HDD-4);

(4) Nobilis Tower with a Segate Baracuda hard drive. Enss used this computer at his desk at the Richmond Police Department. (HDD-5); and

(5) HP Pavilion Laptop with a Toshiba hard drive. (HDD-6). Enss purchased this laptop with Richmond Police Department money and carried it with him.

These computers were manufactured outside the state of Missouri. Enss' home and the Richmond Police Department Office are located in the Western District of Missouri. At the time of the offenses, Enss lived at his home in Richmond, Missouri, with his wife and three of his children, and worked as a sergeant at the Richmond Police Department.

The terms defined in 18 U.S.C § 2256 govern this plea agreement.

In approximately 1999, to and including September 29, 2004, Enss searched for child pornography from the Internet, a facility of interstate commerce. Enss downloaded images of child pornography, children engaged in sexually explicit conduct, on his home and Richmond Police Department computers. Enss also burned copies of his child pornography collection to compact disks (CDs), which included still images, videos, and incest stories.

Enss used both Internet searches and the mIRC file sharing program to locate images of children engaged in sexually explicit conduct for his downloads. Enss downloaded child pornography from the Internet after searching for it online. Enss searched for images of child pornography using the following search terms, including, but not limited to: pedofilia, tiny little gilrs [sic], pedo pics, child xxx, illegal incest, incest

preteen, lolita pornography, lolita sex, pedoland, naked kids, and preteen boys. Enss viewed and downloaded images from over seventy websites, including, but not limited to: incestgrrl.com, youngestboys.lastgay.com, xxx.sexual-abuse.net, lolitazone.com/young, lolitasboys.com, littleyoungteens.com, realincestvideos.com, incest-hardcore.com, tennieholes.com, babyrpmpl.net/pedoland/baby\_pics, and preteen-pussy.net.

Enss organized and copied his child pornography into the following folders on his computers: b&s (known as “brother & sister”), boys, d&d (known as “dad and daughter”), download, movies, girls, group, panties, and stories. Enss utilized the folder structure on each of the five computers listed above and on the CDs that he created.

In total, over 2,500 images of child pornography were recovered from Enss’ computers and CDs. The production of these still images and videos involved the use of minors engaged in sexually explicit conduct and the images depicted the minors engaged in the sexually explicit conduct. Enss’ child pornography collection included images of children engaged in sadistic and masochistic conduct, children as young as infants and toddlers, images of violent rape and torture, and images of adult men engaged in sexually explicit conduct with both minor female and minor male children.

In total, over 200 stories of incest were recovered from Enss’ computers and CDs. Seventy-five percent of these incest stories involved parents having sex with their minor children. Enss downloaded and saved a “Pedophile’s Handbook,” a manual which

provides advice and tips on how to best groom and train a child to become a silent victim of sexual abuse.

In 1994, Enss began molesting his minor daughter, Child Victim #1, when she was 5-6 years old. Enss' molestation of Child Victim #1 persisted for years. In 2001, when his daughter was approximately 12-13 years old, Enss began using the Internet to conduct "sessions" with Child Victim #1 at the home computers. During these sessions, Enss forced his daughter to sit next to him at the computer while he accessed child pornography, adult pornography, and incest stories. Enss had his daughter view still images of child pornography, watch movies of child pornography, view adult pornography, and read stories of incestual behavior. These incest stories included fathers involved in sexually explicit activities with their minor daughters.

Enss' purpose of having his daughter view the sexual images and read the incest stories off the Internet was to persuade, induce, entice, and coerce his daughter to engage in sexual activity for which Enss could be charged with a criminal offense. During these sessions, Enss would molest his daughter and eventually intensified his molestation to full sexual intercourse. The sexual activity is conduct in which Enss could be charged with a criminal offense in the state of Missouri, that is, the following felonies proscribed by the statutes of the State of Missouri: statutory rape in the first degree (Mo. St. 566.032); statutory rape in the second degree (Mo. St. 566.034); child molestation in the first degree (Mo. St. 566.067); child molestation in the second degree (Mo. St. 566.068); incest (Mo.

St. 568.020); statutory sodomy in the first degree (Mo. St. 566.062); and statutory sodomy in the second degree (Mo. St. 566.064). During the course of the sexual intercourse and the computer sessions, Enss instructed his daughter to keep their activity secret and that he would commit suicide if she spoke about their activity with others. During the course of the sexual intercourse and the computer sessions, Enss physically restrained his daughter on more than one occasion.

Enss' sexual intercourse with his daughter continued for years, until May 2004, when Child Victim #1 sought help at a church camp. Upon her return from that church camp, Enss changed his passwords on his computers and reinstalled Windows on his home office computer in an effort to destroy the evidence of child pornography and incest stories on his home computers. Before doing so, he burned his child pornography collection (which included still images, movies, and incest stories) to CDs, which he continued to access on his Richmond Police Department desktop and laptop after the government investigation began. When contacted by the Richmond Police Department Chief about returning the work laptop to the station, he viewed the child pornography on the computer one last time and then attempted to destroy the evidence of the child pornography on the laptop.

**4. Use of Factual Admissions.** The defendant acknowledges, understands, and agrees that the admissions contained in Paragraph 3 and other portions of this plea agreement will be used for the purpose of determining his guilt and advisory sentencing

range under the United States Sentencing Guidelines (“U.S.S.G.”), including the calculation of the defendant’s offense level in accordance with U.S.S.G. § 1B1.3(a)(2). The defendant acknowledges, understands, and agrees that the conduct charged in any dismissed counts of the indictment as well as all other uncharged related criminal activity may be considered as “relevant conduct” pursuant to U.S.S.G. § 1B1.3(a)(2) in calculating the offense level for the charges to which he is pleading guilty.

**5. Statutory Penalties.** The defendant understands that upon his plea of guilty to Count One of the indictment charging him with the use of a facility of interstate commerce to persuade, induce, entice, and coerce a minor to engage in prohibited sexual conduct, the minimum penalty the Court may impose is 5 years, while maximum penalty the Court may impose is not more than 30 years of imprisonment, a \$250,000 fine, supervised release for life, an order of restitution, and a \$100 mandatory special assessment which must be paid in full at the time of sentencing. The defendant further understands that this offense is a Class B felony.

The defendant understands that upon his plea of guilty to Count Three of the indictment charging him with using of a facility of interstate commerce to receive and attempt to receive child pornography, the minimum penalty the Court may impose is 5 years, while maximum penalty the Court may impose is not more than 20 years of imprisonment, a \$250,000 fine, supervised release for life, an order of restitution, and a \$100 mandatory special assessment which must be paid in full at the time of sentencing.

The defendant further understands that this offense is a Class C felony.

**6. Sentencing Procedures.** The defendant acknowledges, understands, and agrees to the following:

a. in determining the appropriate sentence, the Court will consult and consider the United States Sentencing Guidelines promulgated by the United States Sentencing Commission; these Guidelines, however, are advisory in nature, and the Court may impose a sentence either less than or greater than the defendant's applicable Guidelines range, unless the sentence imposed is "unreasonable";

b. the Court will determine the defendant's applicable Sentencing Guidelines range at the time of sentencing;

c. in addition to a sentence of imprisonment, the Court may impose a term of supervised release of up to life; that the Court must impose a period of supervised release if a sentence of imprisonment of more than one year is imposed;

d. if the defendant violates a condition of his supervised release, the Court may revoke his supervised release and impose an additional period of imprisonment of up to life without credit for time previously spent on supervised release. In addition to a new term of imprisonment, the Court also may impose a new period of supervised release, the length of which cannot exceed life, less the term of imprisonment imposed upon revocation of the defendant's first supervised release;

e. any sentence of imprisonment imposed by the Court will not allow for parole;

f. the Court is required to order restitution, pursuant to 18 U.S.C. § 2259, to be paid to victims of the offenses to which he is pleading guilty, the conduct charged in any dismissed counts of the indictment, and all other uncharged related criminal activity; and

g. if the plea agreement is accepted and the Court imposes a twenty (20) year sentence of imprisonment, the defendant may not withdraw his guilty plea.



**7. Government's Agreements.** Based upon evidence in its possession at this time, the United States Attorney's Office for the Western District of Missouri, as part of this plea agreement, agrees not to bring any additional charges against defendant for any federal criminal offenses related to using a facility of interstate commerce to persuade, induce, entice, and coerce a minor in prohibited sexual conduct or the receipt of child pornography for which it has venue and which arose out of the defendant's conduct described above. Additionally, the United States Attorney for the Western District of Missouri agrees to dismiss Counts Two, Four, and Five at sentencing.

The defendant understands that this plea agreement does not foreclose any prosecution for an act of murder or attempted murder, an act or attempted act of physical or sexual violence against the person of another (excluding the acts of the instant offenses), or a conspiracy to commit any such acts of violence or any criminal activity of which the United States Attorney for the Western District of Missouri has no knowledge.

The defendant recognizes that the United States' agreement to forego prosecution of all of the criminal offenses with which the defendant might be charged is based solely on the promises made by the defendant in this agreement. If the defendant breaches this plea agreement, the United States retains the right to proceed with the original charges and any other criminal violations established by the evidence. The defendant expressly waives his right to challenge the initiation of the dismissed or additional charges against him if he breaches this agreement. The defendant expressly waives his right to assert a

statute of limitations defense if the dismissed or additional charges are initiated against him following a breach of this agreement. The defendant further understands and agrees that if the Government elects to file additional charges against him following his breach of this plea agreement, he will not be allowed to withdraw his guilty plea.

**8. Preparation of Presentence Report.** The defendant understands the United States will provide to the Court and the United States Probation Office a government version of the offense conduct. This may include information concerning the background, character, and conduct of the defendant, including the entirety of his criminal activities. The defendant understands these disclosures are not limited to the counts to which he has pleaded guilty. The United States may respond to comments made or positions taken by the defendant or the defendant's counsel and to correct any misstatements or inaccuracies. The United States further reserves its right to make any recommendations it deems appropriate regarding the disposition of this case, subject only to any limitations set forth in this plea agreement. The United States and the defendant expressly reserve the right to speak to the Court at the time of sentencing pursuant to Rule 32(i)(4) of the Federal Rules of Criminal Procedure.

**9. Binding Plea Agreement.** The parties intend to enter a "binding plea agreement" pursuant to Rule 11(c)(1)(C), which would jointly recommend a sentence of twenty (20) years of imprisonment. The parties understand that the Court may accept (Rule 11(c)(4)) or reject (Rule 11(c)(5)) the plea agreement. If the Court should reject the

plea agreement, the defendant would be allowed to withdraw his plea of guilty (Rule 11(c)(5)(B)). However, the defendant understands and agrees that if the Court accepts the plea agreement and imposes a sentence of twenty (20) years of imprisonment, the defendant will not be permitted to withdraw his plea of guilty. The parties further jointly recommend for the federal sentence of twenty (20) years of imprisonment to run concurrently with any state sentence imposed in State of Missouri v. Rick E. Enss, Case No. 04CR104133, and for the twenty (20) year sentence to be served at a federal prison facility.

**10. Agreed Guidelines Applications.** With respect to the application of the Sentencing Guidelines to this case, the parties stipulate and agree as follows:

a. The Sentencing Guidelines do not bind the Court and are advisory in nature. The Court may impose a sentence that is either above or below the defendant's applicable Guidelines range, provided the sentence imposed is not "unreasonable";

b. For Count One, the applicable Guidelines Manual is the one that took effect on November 1, 2003;

(1) The applicable Guidelines section for the offense of conviction is U.S.S.G. § 2A3.1, which provides for a base offense level of 27;

(2) The offense involved a minor who had not attained the age of 16 years, thus, pursuant to § 2A3.1(b)(2) there is a two-point enhancement;

(3) The offense involved a victim in the custody and care of the defendant, this, pursuant to § 2A3.1(b)(3), there is a two-point enhancement;

(4) The offense involved the use of a computer, thus, pursuant to § 2A3.1(b)(3) there is a two-point enhancement;

(5) The offense involved the use of a minor to commit/avoid the detection of a crime, thus, pursuant to § 3B1.4, there is a two-point enhancement; and

(6) The offense involved the restraint of a victim, thus pursuant to § 3A1.3 there is a two-point enhancement.

c. For Count Three, the applicable Guidelines Manual is the one that took effect on November 1, 2003;

(1) The applicable Guidelines section for the offense of conviction is U.S.S.G. § 2G2.2, which provides for a base offense level of 17;

(2) The offense involved images of prepubescent minors and/or minors under the age of 12, thus, pursuant to § 2G2.2(b)(1), there is a two-point enhancement;

(3) The offense involved images depicting sadistic and masochistic conduct, thus, pursuant to § 2G2.2(b)(3), there is a four-point enhancement;

(4) The offense involved a defendant who engaged in a pattern of activity involving the sexual abuse of a minor, thus, pursuant to § 2G2.2(b)(4), there is a five-point enhancement;

(5) The offense involved the defendant's use of a computer, thus, pursuant to § 2G2.2(b)(5), there is a two-point enhancement;

(6) The offense involved over six hundred images of child pornography, thus, pursuant to § 2G2.2(b)(6), there is a five-point enhancement;

(7) The offense involved the abuse of a position of trust, thus, pursuant to § 3B1.3, there is a two-point enhancement;

(8) The offense involved the use of a minor to commit or avoid the detection of a crime, thus, pursuant to § 3B1.4, there is a two-point enhancement;

(9) The offense involved the restraint of a victim, thus, pursuant to § 3A1.3, there is a two-point enhancement.

(10) The offense involved the obstruction of justice, concealing and/or destroying material evidence, thus, pursuant to § 3C1.1, there is a two-point enhancement;

(11) The offense involved a vulnerable victim, thus, pursuant to § 3A1.1, there is a two-point enhancement.

d. The defendant has admitted his guilt and clearly accepted responsibility for his actions. Consequently, he is entitled to a three-level reduction pursuant to § 3E1.1(a) of the Sentencing Guidelines;

e. There is no agreement between the parties regarding the defendant's criminal history category. The parties agree that the Court will determine his applicable criminal history category after receipt of the presentence investigation report prepared by the United States Probation Office;

f. The defendant understands that the estimate of the parties with respect to the Guidelines computation set forth in the subsections of this paragraph does not bind the Court or the United States Probation Office with respect to the appropriate Guidelines levels;

g. The United States agrees not to seek an upward departure from the Guidelines nor a sentence in excess of the twenty (20) years imprisonment, and the defendant agrees to not seek a downward departure from the Guidelines nor a sentence less than twenty (20) years imprisonment. The intent of the parties is to enter into a binding plea agreement as outlined in paragraph 9 above; the parties understand and agree that a twenty (20) year sentence is a "reasonable" sentence;

h. The defendant consents to judicial fact-finding by a preponderance of the evidence of any contested issues pertaining to the determination of the defendant's sentence under the United States Sentencing Guidelines. The defendant waives any right to a jury determination beyond a reasonable doubt of all facts used to determine and enhance the sentence imposed, and waives any right to have those facts alleged in the indictment. The defendant also agrees that the Court, in

finding the facts relevant to the imposition of sentence under the Guidelines, may consider any reliable information, including hearsay; and

i. The defendant understands and agrees that the factual admissions contained in paragraphs 3 and 4 of this plea agreement, and any admissions that he will make during his plea colloquy, support the imposition of the agreed Guidelines calculations contained in this agreement.

**11. Effect of Non-Agreement on Guidelines Applications.** The parties understand, acknowledge, and agree that there are no agreements between the parties with respect to any Sentencing Guidelines issues other than those specifically listed in Paragraph 10, and its subsections. As to any other Guidelines issues, the parties are free to advocate their respective positions at the sentencing hearing.

**12. Change in Guidelines Prior to Sentencing.** The defendant agrees that if any applicable provision of the Guidelines changes after the execution of this plea agreement, then any request by defendant to be sentenced pursuant to the new Guidelines will make this plea agreement voidable by the United States at its option. If the Government exercises its option to void the plea agreement, the United States may charge, reinstate, or otherwise pursue any and all criminal charges that could have been brought but for this plea agreement.

**13. Government's Reservation of Rights.** The defendant understands that the United States expressly reserves the right in this case to:

a. oppose or take issue with any position advanced by defendant at the sentencing hearing which might be inconsistent with the provisions of this plea agreement;

b. comment on the evidence supporting the charges in the indictment;

c. oppose any arguments and requests for relief the defendant might advance on an appeal from the sentences imposed; and

d. oppose any post-conviction motions for reduction of sentence, or other relief.

**14. Waiver of Constitutional Rights.** The defendant, by pleading guilty, acknowledges that he has been advised of, understands, and knowingly and voluntarily waives the following rights:

a. the right to plead not guilty and to persist in a plea of not guilty;

b. the right to be presumed innocent until his guilt has been established beyond a reasonable doubt at trial;

c. the right to a jury trial, and at that trial, the right to the effective assistance of counsel;

d. the right to confront and cross-examine the witnesses who testify against him;

e. the right to compel or subpoena witnesses to appear on his behalf; and

f. the right to remain silent at trial, in which case his silence may not be used against him.

The defendant understands that by pleading guilty, he waives or gives up those rights and that there will be no trial. The defendant further understands that if he pleads guilty, the Court may ask him questions about the offense or offenses to which he pleaded guilty, and if the defendant answers those questions under oath and in the presence of

counsel, his answers may later be used against him in a prosecution for perjury or making a false statement. The defendant also understands he has pleaded guilty to a felony offense and, as a result, will lose his right to possess a firearm or ammunition and might be deprived of other rights, such as the right to vote or register to vote, hold public office, or serve on a jury.

**15. Waiver of Appellate and Post-Conviction Rights.**

a. The defendant acknowledges, understands, and agrees that by pleading guilty pursuant to this plea agreement he waives his right to appeal or collaterally attack a finding of guilt following the acceptance of this plea agreement.

b. The defendant expressly waives his right to appeal his sentence, directly or collaterally, on any ground except a sentence imposed in excess of the statutory maximum or an illegal sentence, that is, sentencing error more serious than a misapplication of the Sentencing Guidelines, an abuse of discretion, or the imposition of an unreasonable sentence. However, if the United States exercises its right to appeal the sentence imposed as authorized by 18 U.S.C. § 3742(b), the defendant is released from this waiver and may, as part of the Government's appeal, cross-appeal his sentence as authorized by 18 U.S.C. § 3742(a) with respect to any issues that have not been stipulated to or agreed upon in this agreement.

**16. Waiver of FOIA Request.** The defendant waives all of his rights, whether asserted directly or by a representative, to request or receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case including, without limitation, any records that may be sought under the Freedom of Information Act, 5 U.S.C. § 552, or the Privacy Act of 1974, 5 U.S.C. § 552a.



**17. Waiver of Claim for Attorney's Fees.** The defendant waives all of his claims under the Hyde Amendment, 18 U.S.C. § 3006A, for attorney's fees and other litigation expenses arising out of the investigation or prosecution of this matter.

**18. Defendant's Agreement to Destruction of Biological Evidence.** In accordance with 18 U.S.C. § 3600A(c)(2), the defendant knowingly and voluntarily waives his right to request DNA testing of any biological evidence which may have been obtained or seized by law enforcement in his case. Defendant agrees that all biological evidence which may have been obtained or seized may be destroyed by law enforcement authorities.

**19. Defendant's Breach of Plea Agreement.** If the defendant commits any crimes, violates any conditions of release, or violates any term of this plea agreement between the signing of this plea agreement and the date of sentencing, or fails to appear for sentencing, or if the defendant provides information to the Probation Office or the Court that is intentionally misleading, incomplete, or untruthful, or otherwise breaches this plea agreement, the United States will be released from its obligations under this agreement. The defendant, however, will remain bound by the terms of the agreement, and will not be allowed to withdraw his plea of guilty.

The defendant also understands and agrees that in the event he violates this plea agreement, all statements made by him to law enforcement agents subsequent to the execution of this plea agreement, any testimony given by him before a grand jury or any

tribunal or any leads from such statements or testimony shall be admissible against him in any and all criminal proceedings. The defendant waives any rights that he might assert under the United States Constitution, any statute, Federal Rules of Criminal Procedure, Section 11(e)(6), Federal Rules of Evidence, Section 410, or any other federal rule that pertains to the admissibility of any statements made by him subsequent to this plea agreement.

**20. Defendant's Representations.** The defendant acknowledges that he has entered into this plea agreement freely and voluntarily after receiving the effective assistance, advice and approval of counsel. The defendant acknowledges that he is satisfied with the assistance of counsel, and that counsel has fully advised him of his rights and obligations in connection with this plea agreement. The defendant further acknowledges that no threats or promises, other than the promises contained in this plea agreement, have been made by the United States, the Court, his attorneys or any other party to induce him to enter his plea of guilty.

**21. No Undisclosed Terms.** The United States and defendant acknowledge and agree that the above-stated terms and conditions constitute the entire plea agreement between the parties, and that any other terms and conditions not expressly set forth in this agreement do not constitute any part of the parties' agreement and will not be enforceable against either party.

**22. Standard of Interpretation.** The parties agree that, unless the constitutional implications inherent in plea agreements require otherwise, this plea agreement should be

interpreted according to general contract principles and the words employed are to be given their normal and ordinary meanings. The parties further agree that, in interpreting this agreement, any drafting errors or ambiguities are not to be automatically construed

against either party, whether or not that party was involved in drafting or modifying this agreement.

Todd P. Graves  
United States Attorney

Dated \_\_\_\_\_ By \_\_\_\_\_  
Cynthia L. Phillips  
Assistant United States Attorney

I have consulted with my attorney and fully understand all of my rights with respect to the offenses charged in the indictment. Further, I have consulted with my attorney and fully understand my rights with respect to the provisions of the Sentencing Guidelines. I have read this plea agreement and carefully reviewed every part of it with my attorney. I understand this plea agreement and I voluntarily agree to it.

Dated \_\_\_\_\_  
Rick E. Enss  
Defendant

I am defendant Rick E. Enss' attorney. I have fully explained to him his rights with respect to the offenses charged in the indictment. Further, I have reviewed with him the provisions of the Sentencing Guidelines which might apply in this case. I have carefully reviewed every part of this plea agreement with him. To my knowledge, Rick E. Enss' decision to enter into this plea agreement is an informed and voluntary one.

Dated \_\_\_\_\_  
James R. Hobbs  
Attorney for Defendant